

Notice of Allowability

Application No.

10/625,626

Applicant(s)

ADAMS ET AL.

Examiner

Art Unit

Janet L. Coppins

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' After Final Amendment of May 24, 2005.
2. ☒ The allowed claim(s) is/are 1-7, 10 and 11.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

S.O.O

DETAILED ACTION

Claims 1-7, 10, and 11 pending in the instant application.

Response to Amendment

1. Receipt is acknowledged of Applicants' After Final Amendment, submitted May 24, 2005, which has been reviewed by the Examiner and entered of record in the file. Accordingly, claims 12-15 have been cancelled.
2. The Examiner notes with appreciation Applicants' cancellation of rejected claims 12-15, which were previously rejected in the Final Office Action of January 13, 2005. Therefore, the finality of the previous Office Action is withdrawn and remaining claims 1-7, 10, and 11 are now in condition for allowance.

REASONS FOR ALLOWANCE

3. In view of Applicant's cancellations, claims 1-7, 10, and 11, newly renumbered as claims 1-9, are allowable over the prior art. The following is an examiner's statement of reasons for allowance:

This invention relates to novel non-peptidic diamine compounds that are cell adhesion inhibitors, and their compositions. This application is a CON of 09/935,461, now U.S. Pat. No. 6,624,152, which is a DIV of 08/376,372, now U.S. Pat. No. 6,306,840. The claims in this case are 1-7, 10, and 11 and the allowable compounds are limited to compounds according to formula (I) of claim 1. Cell adhesion inhibitory compounds are known in the art as having the ability to suppress inflammation and are useful for treating patients suffering from cell adhesion-associated ailments, including inflammatory and autoimmune diseases such as asthma, arthritis, psoriasis, transplantation rejection, inflammatory bowel disease, etc. However the aspect of

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preparing the instant claimed compounds, wherein the compounds contains at least two amine groups, one being linked to a -CO- group, separated by both a carbonyl moiety and a methylene moiety, is novel and unobvious. After a thorough search, the closest of prior art, Luly et al, U.S. 4,725,583 and U.S. 4,826,815, were found to teach similar compounds that are peptidylaminoalcohols. However Luly et al fail to disclose the same compounds as instantly claimed, since the compounds of the instant application contain an extra methylene moiety, which distinguishes them from the '583 and '815 patents. The aforementioned Luly et al patents do not teach the instant claimed cell adhesion inhibitory compounds and do not render obvious compounds according to formula (I) for treating cell-adhesion associated diseases. Therefore, the prior art fails to teach, anticipate, or fairly suggest the instant claimed diamine compounds and compositions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Telephone Inquiry


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Coppins whose telephone number is 571.272.0680. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571.272.0699699. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Janet L. Coppins
July 22, 2005



Joseph K. McKane
SPE, Art Unit 1626